IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 21107 of 2004

Between:

1 G. Pedda Ramulu, S/o Late Narasayya,
R/o 10-7,Near Hanuman Temple, Narasampet, Warangal District.
2 G. Yellaiah, S/o Late Narasayya,
R/o 2nd Ward, Narasampet, Warangal District.
3 G. Kistayya, S/o Lakshmayya,
R/o Ramalaya Temple, Narasampet, Warangal District.
4 K. Bikshapathi, S/o Venkata Narasayya,
R/o 9-112, Narasampet, Warangal District.

... PETITIONERS

AND

1 The District Panchayat Officer, Warangal District.
2 The Sarpanch, Gram Panchayat, Narasampet, Warangal District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in not allotting the shop No.1 of Nehru Statue Road, Narasampet is arbitrary, bad and illegal and violation of oral understanding between the petitioners and the 2nd respondent and violation of Article 14 and 21 of the constitution of India and consequently directing the 2nd respondent to implement the orders of the 1st respondent vide Memo No. 2619/2004/A4 dt. 26-8-2004 by permitting the petitioners to do their respective business at shop No.1 at Nehru Statue Road in P.W.D. lane of Narasampet at

Warangal District.

Counsel for the Petitioners: MR.KURITIBHASKARA RAO

Counsel for the Respondents: SMT.JYOTHI ESWAR GOGINENI

The Court, at the admission stage, made the following:

ORDER

Heard the learned counsel for the petitioners and learned Government Pleader for Panchayat Raj & Rural Development.

Narasampet Gram Panchayat-second respondent herein issued a notification inviting tenders for construction of the shops on the PWD Nehru Statue Road on 25.1.2001 and accordingly constructed the shops. When the request of the petitioners for allotment of shop No.1 in their favour was refused by the second respondent, they made a representation to the first respondent on 29.6.2004 alleging irregularities with regard to the allotment of shop No.1 and requested to conduct an enquiry in the matter. On such request, the District Panchayat Officer-first respondent herein through orders dated 1.7.2004 directed the Divisional Panchayat Officer to conduct an enquiry in to the matter. After calling for the report from the Divisional Panchayat Officer, the first respondent through memo No.2619/2004/A4, dated 26.8.2004 (which is now sought to be implemented by this Court) recommended the second respondent for allotment of shop No.1 in favour of the petitioners. In the Memo dated 26.8.2004 it was observed that in the enquiry conducted by the Divisional Panchayat Officer it revealed that the Gram Panchayat approved two tenders in its meetings on 27.3.2002 by fixing the deposit amount at Rs.20,000/-, but whereas, one Potturu Sambaiah had remitted a sum of Rs.5,000/- per each room in violation of the rules mentioned in the tender notification. In view of the same, the first respondent directed the Panchayat Secretary of Gram Panchayat, Narsampet to cancel the tender of the room No.1 and to allot the same to the petitioners on their depositing a sum of Rs.20,000/- on a monthly rent of Rs.1200/-.

If approval of the tenders and allotting the shop No.1 was found to be not in tune with the terms and conditions of the tender notification, the first respondent by directing the second respondent to cancel the tenders in respect of Shop No.1 ought to have

directed to notify the same afresh for public auction, which would definitely fetch the higher amount and benefit by increasing the revenue of the Gram Panchayat. But, the first respondent by the impugned memo, canceling the tenders, simply directed the second respondent to allot the shop No.1 to the petitioners. In view of the same, the order of the first respondent dated 26.8.2004 directing to allot the shop No.1 in favour of the petitioners is contrary to law and petitioners cannot derive any benefit out of the said order.

In view of the above, the Memo dated 26.8.2004 issued by the first respondent is hereby set aside to the extent of allotting the shop No.1 in favour of the petitioners, and the second respondent shall notify the Shop No.1 for public auction for leasing out the same, by giving vide publicity. Petitioners are at liberty to participate in the said auction.

Accordingly, the writ petition is disposed of. No costs.

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A. GOPAL REDDY. J 18th November, 2004

tsr.

To

1 The District Panchayat Officer, Warangal District.
2 The Sarpanch, Gram Panchayat, Narasampet, Warangal District

3 Two CCs to Government Pleader for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad. (OUT).

4 Two CD copies.